SCHAPIRO DECLARATION EXHIBITS CONTINUED

Schapiro Exhibit 43

From: Apmann, Todd <Todd.Apmann@mtvstaff.com>
Date: Fri, 4 Aug 2006 13:01:04 -0400
To: Zan, Koethi <Koethi.Zan@mtvstaff.com>, Shaw, Daniel <Daniel.Shaw@mtvstaff.com>
Cc: Kauffman, Stuart <Stuart.Kauffman@mtvstaff.com>, Dolnick, Randy <Randy.Dolnick@mtvstaff.com>, Horwitz, Julie <Julie.Horwitz@mtvstaff.com>
Subject: RE: Draft to YOUTUBE

yes absolutely.

From: Zan, Koethi
Sent: Friday, August 04, 2006 1:01 PM
To: Apmann, Todd; Shaw, Daniel
Cc: Kauffman, Stuart; Dolnick, Randy; Horwitz, Julie
Subject: RE: Draft to YOUTUBE

All of BALA will need this info – I have already had 3-4 instances of this happening. Will you be our go-to person so that when anyone gets this call from the clients, we can check in with you?

From: Apmann, Todd
Sent: Friday, August 04, 2006 12:53 PM
To: Zan, Koethi; Shaw, Daniel
Cc: Kauffman, Stuart; VanPelt, Elizabeth; Dolnick, Randy; Horwitz, Julie
Subject: RE: Draft to YOUTUBE

yes. and i can give you a heads up of specific projects when they happen so you are all aware of everything.

From: Zan, Koethi
Sent: Friday, August 04, 2006 12:52 PM
To: Apmann, Todd; Shaw, Daniel
Cc: Kauffman, Stuart; VanPelt, Elizabeth; Dolnick, Randy; Horwitz, Julie
Subject: RE: Draft to YOUTUBE

So this means that if our client groups tell us that they see their shows on Youtube & we find out from Youtube that they got the content from these individuals/companies, then we know it is authorized?

From: Apmann, Todd
Sent: Friday, August 04, 2006 12:49 PM
To: Shaw, Daniel; Zan, Koethi
Cc: Kauffman, Stuart; VanPelt, Elizabeth; Dolnick, Randy; Horwitz, Julie
Subject: RE: Draft to YOUTUBE

Thanks everyone. Sorry this has taken so long to get to you, but here are the people who are OK to upload MTV content to YouTube (we'll obviously make sure that everything is cleared):

Promotion Companies

Wired Set

Special Ops

Cornerstone Promotion

Total Assault

Filter Creative Group

Fanscape

ADD Marketing

Individuals

Damon Johnson

Marissa Grasso

Stephanie Snodgrass

I'll make sure to add anyone who's doing promotions for us in the future. Let me know if you have any questions.

Thanks!

From: Shaw, Daniel
Sent: Monday, June 19, 2006 4:08 PM
To: Zan, Koethi
Cc: Kauffman, Stuart; VanPelt, Elizabeth; Apmann, Todd; Dolnick, Randy; Horwitz, Julie
Subject: RE: Draft to YOUTUBE

Hello,

These two Hills trailers were uploaded at MTV's request by Wiredset. Todd Apman from promotions has confirmed this. Todd is going to send us a list of other clips that were also uploaded to various sites at our request.

Hope this helps.

From: Shaw, Daniel
Sent: Monday, June 19, 2006 4:01 PM
To: Zan, Koethi
Cc: Kauffman, Stuart; VanPelt, Elizabeth
Subject: RE: Draft to YOUTUBE

I checked with Randy Dolnick and she's never heard of Wiredset. I have a call into outr program promotions department to see if they know. I'll get back to you with what I find out.

From: Shaw, Daniel

Sent: Monday, June 19, 2006 4:00 PM
To: Zan, Koethi
Cc: Kauffman, Stuart; VanPelt, Elizabeth
Subject: RE: Draft to YOUTUBE

_____

From: Zan, Koethi
Sent: Monday, June 19, 2006 3:51 PM
To: Shaw, Daniel
Cc: Kauffman, Stuart; VanPelt, Elizabeth
Subject: FW: Draft to YOUTUBE

Who can tell us whether we've licensed any rights to this footage to wiredset? I doubt we have licensed any at all. This is for The Hills & 8th & Ocean.

_____

From: heather gillette [mailto:heather@youtube.com]
Sent: Friday, June 16, 2006 7:04 PM
To: Kauffman, Stuart
Cc: Zan, Koethi
Subject: RE: Draft to YOUTUBE

Dear Mr. Kauffman,

I removed all of the videos that appeared to be that of MTV's using the search link provided, other than two. Two of the videos in the search link are hosted by a marketing company called: Wiredset

Do they have the rights to post this content? The two videos in question are here:

http://www.youtube.com/watch?v=XUURN3-LXh4

http://www.youtube.com/watch?v=Gg7K91wP5gE

Please let me know whether you are claiming infringement for the above videos.

Thank you!

Heather Gillette

Copyright Agent

YouTube, Inc.

_____

From: Kauffman, Stuart [mailto:Stuart.Kauffman@mtvstaff.com]
Sent: Friday, June 16, 2006 9:46 AM
To: copyright@youtube.com
Cc: Zan, Koethi
Subject: FW: Draft to YOUTUBE

June 16, 2006

Via Email (copyright@youtube.com)

DMCA Complaints and/or Heather Gillette
Youtube.com
71 E. Third Avenue
2nd Floor
San Mateo CA 94401

Re: URGENT – Notice of Infringement
"The Hills" and "8th and Ocean"

To Whom It May Concern:

I write to notify you of an infringement of MTV Networks' ("MTVN") intellectual property rights on youtube.com, and to insist that you take immediate action to cease such infringement.

MTVN owns and operates the television programming service MTV, and is the owner of exclusive rights protected under copyright law and other intellectual property rights in the MTV television series "The Hills" and "8th and Ocean" (the "Series").

We have become aware that unauthorized versions of recent episodes of the Series are available on your website at the following links: http://www.youtube.com/results?search=mtv+the+hills+ <http://www.youtube.com/results?search=mtv+the+hills+&search_type=search_videos> &search_type=search_videos; http://www.youtube.com/profile?user=Raze71.

MTVN did not authorize the distribution of this material, and as a result, such distribution is infringing and unlawful.

MTVN insists that you immediately remove and disable access to the above-referenced material – whether at the above referenced links or elsewhere. MTVN further insists that you immediately destroy any and all unauthorized reproductions of such within your possession, custody or control. Please confirm your compliance with these demands within one day of your receipt of this correspondence.

The undersigned has a good faith belief that use of the material in the manner described herein is not authorized by MTVN, its agents or the law. The information in this notice is accurate. And, under penalty of perjury, the undersigned is authorized to act on behalf of MTVN with respect to this matter.

Please note that this letter is not intended as a full statement of the facts, and is without waiver of any rights and remedies – all of which are expressly reserved.

Very truly yours,

/s/

Stuart Kauffman
Senior Counsel, Intellectual Property
& Litigation
MTV Networks
1515 Broadway, 34-55
New York, NY 10036
T. 212.846-3543
F. 646.688.6849
E. stuart.kauffman@mtvstaff.com

Privileged & Confidential Attorney Client Communication. Do Not Disclose.

Click to add my contact info to your organizer:
<http://my.infotriever.com/vh6gt1sl> http://my.infotriever.com/vh6gt1sl

Schapiro Exhibit 44

From: McCall.Shelly@mtvne.com
Sent: Friday, October 27, 2006 12:20 PM
To: wignall.leila1@mtvne.com; James.Roger@mtvne.com
Subject: RE: EMA Awards questions

Hello Roger,
These clips were seeded onto You tube by a company called Tviral on our behalf - do we need to take them down?
It was

https://sftp.mtvne.com/~mtvnidigital/ema/tviral/

Here are where all the clips were which were seeded

1. Justin Timberlake host spot
2.Juliette & licks digital promo
3. Juliette & licks freaking Logon promo - made by dm ream
4. Juliette & licks telling Justin to bring it on - made by DM team

From: Hiran-Mutraporn, Rapeepan
Sent: 27 October 2006 13:14
To: McCall, Shelly
Subject: FW: EMA Awards questions

From: Wignall, Leila
Sent: 27 October 2006 12:45
To: James, Roger; Murphy, Sean
Cc: Hiran-Mutraporn, Rapeepan
Subject: RE: EMA Awards questions

Hi Roger
Here you go. I don't have much info about Post show yet, but maybe Sean can help xx

JT spot is just called **EMA 2006 Host Spot**

INt'l Creative only made 1 x Juliette Lewis spot - this was called **EMA Digital Media spot** (the names aren't really that specific as they don't appear on the spots themselves)
I think online made some further clips for their viral campaign - I've cc'd Pip who should be able to help with those.

Attached Red Carpet rundown - again Sean can give you any more info not on there.

HIGHLY CONFIDENTIAL

x

From: James, Roger
Sent: 27 October 2006 12:19
To: Wignall, Leila
Subject: FW: EMA Awards questions
Importance: High

Hi Leila

Can you help here - I need the exact name of the JT Host spot and the 3x Juliette and The Licks spots.

Also any info about the pre/post shows that will enable this agency to monitor our content on YouTube.

R

-----Original Message-----
From: Deana Arizala [mailto:deanaa@baytsp.com]
Sent: 27 October 2006 00:54
To: Rimboeck, Leslie; Michelena.hallie@mtvn.com
Cc: Morales, Cindy; Mark M. Ishikawa; Evelyn Espinosa; McCormack, Lisa - MTVNE; Ioannou, Sofia; James, Roger - MTVNE; Courtney Nieman
Subject: EMA Awards questions
Importance: High

Leslie and Team,

Thanks for helping out. The information is very helpful. I do have some additional question.

1) For Justin Timberlake Host Spot and 3X Juliette & The Licks Web Show Spots that should be **ignored** in YouTube, are you able to provide us the **username** that posted those promotional clips? Also, the "exact" title for the video clips would be good as well. This will make it easier to filter out these promo clips.
2) If you have any information about the pre/post EMA shows Red Carpet performances, please provide us with any updates

Thanks all.

Best Regards,
Deana Arizala

Deana Arizala
Client Services Manager. BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

-----Original Message-----
From: Rimboeck, Leslie [mailto:Leslie.Rimboeck@mtvstaff.com]
Sent: Thursday, October 26, 2006 11:01 AM
To: Michelena.hallie@mtvn.com; Deana Arizala
Cc: Morales, Cindy

Subject: RE: Scan from a Xerox WorkCentre Pro

Sure -

Just let me know what you need and I will see what I can do.

Thanks.

...leslie
212.258.7230

-----Original Message-----
From: Hallie, Michelena
Sent: Thursday, October 26, 2006 1:59 PM
To: Rimboeck, Leslie; deanaa@baytsp.com
Cc: Morales, Cindy
Subject: FW: Scan from a Xerox WorkCentre Pro

Thank you Leslie. I received your material which I have put in a pdf attachment. Unfortunately, I'm not sure this is enough information to avoid taking down our licensed product. However, that may be because I don't know how to interpret your information. Deana is our contact at Bay Tsp and can tell us if this is what she needs. If she needs more, perhaps you can work together to figure out how to obtain it.

Michelena Hallie
Senior Vice President
Deputy General Counsel, Intellectual Property MTV Networks, Business and Legal Affairs
1515 Broadway, 34th Floor
New York, New York 10036
[redacted]

-----Original Message-----
From: Xerox1515_34_07@viacom.com [mailto:Xerox1515_34_07@viacom.com]
Sent: Thursday, October 26, 2006 12:30 PM
To: Hallie, Michelena
Subject: Scan from a Xerox WorkCentre Pro

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre Pro.

Sent by: Guest [Xerox1515_34_07@viacom.com] Number of Images: 7
Attachment File Type: PDF

WorkCentre Pro Location: Xerox1515_34_07

For more information on Xerox products and solutions, please visit http://www.xerox.com

Schapiro Exhibit 45

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY PARTNERS, COUNTRY MUSIC TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs. NO. 07-CV-2103

YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,

Defendants.

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al., On behalf of themselves and all Others similarly situated,

Plaintiffs,

vs.

NO. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF DAMON BURRELL
NEW YORK, NEW YORK
TUESDAY, APRIL 14, 2009
JOB NO.: 16730

97aca7dc-2c44-40e4-9a23-7371076034a3

APRIL 14, 2009

10:09 a.m.

VIDEOTAPED DEPOSITION OF DAMON BURRELL, held at the offices of WILSON SONSINI GOODRICH & ROSATI, PC, 1301 Avenue of the Americas, New York, New York, pursuant to notice, before JENNIFER OCAMPO-GUZMAN, a Shorthand Reporter and Notary Public of the State of New York.

97aca7dc-2c44-40e4-9a23-7371076034a3

A P P E A R A N C E S:

FOR THE PLAINTIFFS VIACOM INTERNATIONAL, INC.:

JENNER & BLOCK, LLP
By: SCOTT B. WILKENS, Esq.
1099 New York Avenue, NW, Suite 900
Washington, D.C. 20001
(202) 639-6000 swilkens@jenner.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC and GOOGLE, INC.:

WILSON SONSINI GOODRICH & ROSATI, PC
BY: BART E. VOLKMER, ESQ.
650 Page Mill Road
Palo Alto, California 94304-1050
650-565-3508 bvolkmer@wsgr.com

ALSO PRESENT:

MARCELO RIVERA, Videographer

97aca7dc-2c44-40e4-9a23-7371076034a3

Burrell

10:44:47 Q. Can you tell me which third-party
10:45:07 marketing agencies MTV has engaged to upload
10:45:12 materials to YouTube?
10:45:13 MR. WILKENS: Objection.
10:45:17 A. I can't recall.
10:45:22 Q. Why does MTV sometimes engage
10:45:38 third-party agencies to engage in viral
10:45:40 marketing, and sometimes MTV does that work
10:45:43 in-house; why the difference?
10:45:45 MR. WILKENS: Objection.
10:45:47 A. I don't understand your question.
10:45:48 Q. Okay. Sometimes MTV will engage
10:45:52 third-party viral marketing companies like
10:45:57 Wiredset and Fanscape to promote MTV
10:46:01 materials, and sometimes MTV does that
10:46:03 internally.
10:46:03 And the question is, why does MTV
10:46:06 sometimes choose to engage third parties, and
10:46:08 sometimes it chooses to do the work in-house?
10:46:10 MR. WILKENS: Objection, lack of
10:46:16 foundation.
10:46:16 A. We use third-party agencies due to
10:46:21 lack of resources.
10:46:22 Q. Any other reasons?

97aca7dc-2c44-40e4-9a23-7371076034a3

Burrell

10:46:34 A. Not that I can recall.

10:46:36 Q. Can you name for me the third-party agencies that MTV has hired to engage in viral marketing?

10:47:02 A. Wiredset, Fanscape, M80, Red Interactive, Carat Fusion, Deep Focus. That's all I can remember.

10:47:10 Q. After M80, you said Red Interactive?

10:47:27 A. I don't know if I said it before or after, but that's one.

10:47:52 Q. And the other one was Carat Fusion; can you spell that for me?

10:47:53 A. C-A-R-A-T.

10:48:00 Q. Is there someone at MTV who is the person in charge of the relationship with Fanscape, currently?

10:48:03 A. It varies.

10:48:05 Q. Who are those people, as you sit here today, that are in charge of the relationship with Fanscape?

10:48:10 A. The people on my team.

10:48:21 Q. There's not one person who is responsible for the relationship?

10:48:26

10:48:29

10:48:34

10:48:43

10:48:44

10:48:48

10:48:52

10:49:00

97aca7dc-2c44-40e4-9a23-7371076034a3

Burrell

MR. WILKENS: Objection.

A. The people on my team.

Q. They all share equally in the responsibilities in managing that relationship?

A. Yes.

Q. Do you know who signed the most recent contract with Fanscape?

MR. WILKENS: Objection.

A. I can't remember.

Q. What would be your best guess as to who that person is that would have signed the contract with Fanscape?

MR. WILKENS: Objection.

A. Again, I can't remember.

Q. Right, but you have a lot more intimate knowledge of the department than I do, and the question is: Who, in your estimation, in your best guess, would be the person who signed that contract with Fanscape?

MR. WILKENS: Objection. And I move to strike the argumentative part of that.

97aca7dc-2c44-40e4-9a23-7371076034a3

Schapiro Exhibit 46

Subject: Disturbia / Paris
From: "Tipton, Kristina - Paramount" <EX:/O=VIACOM/OU=PARAMOUNT/CN=RECIPIENTS/CN=TIPTONKR>
To: Bonnici, Kyle - Paramount
Cc: Teifeld, Tamar - Paramount; Wahtera, Megan - Paramount
Date: Mon, 11 Jun 2007 20:57:34 +0000

Hi Kyle,

As soon as your back, we need help with uploading the below video to viral video sites.

- please create NON-PARAMOUNT accounts using email that can't be traced to Paramount (ie create an account)

- Upload video with following info:

o Title: Paris Hilton on house arrest

o Description: Ankle bracelets are hot

o Tags: Paris Hilton jail house arrest hot funny disturbia

o Post as video response to:

* http://youtube.com/watch?v=k66epna2Sss

* http://youtube.com/watch?v=4yjRLrZfIn8

* http://youtube.com/watch?v=EXFsxuuUjGM

Link:
http://secure.wiredrive.com/clients/buddhajonestrailers/wd/folder/55341/list

[redacted]

This is top priority, so please do this before media meeting prep. Thanks, Kyle!

Kristina Tipton

Interactive Marketing

Paramount Pictures

323-956-8453

Schapiro Exhibit 47

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

----------X

VIACOM INTERNATIONAL, INC., COMEDY PARTNERS, COUNTRY MUSIC TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs. No. 07-CV-2103

YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,

Defendants.

----------X

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al., on behalf of themselves and all others similarly situated,

Plaintiffs,

vs. No. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,

Defendants.

----------X

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF MEGAN WAHTERA

SAN FRANCISCO, CALIFORNIA

FRIDAY, DECEMBER 4, 2009

JOB NO. 18262

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

DECEMBER 4, 2009

10:27 A.M.

HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF MEGAN WAHTERA, at WILSON SONSINI GOODRICH & ROSATI, 1 Market Plaza, San Francisco, California, pursuant to notice, before me, KATHERINE E. LAUSTER, CLR, CRR, RPR, CSR License No. 1894.

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

A P P E A R A N C E S:

FOR THE PLAINTIFFS, VIACOM INTERNATIONAL, INC., and the WITNESS:

JENNER & BLOCK, LLP
By: SCOTT B. WILKENS, ESQ.
1099 New York Avenue, NW
Suite 900
Washington, DC 20001
T.202.639.6000
F.202.661.4832
swilkens@jenner.com

and

PARAMOUNT PICTURES MOTION PICTURE GROUP
INTERACTIVE MARKETING
By: PAUL KOENIG, ESQ.
5555 Melrose Avenue
Hollywood, California 90038-3197
T.323.956.5882
F.323.862.2875
paul_koenig@paramount.com

FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.:

WILSON, SONSINI, GOODRICH & ROSATI
By: MICHAEL H. RUBIN, ESQ.
CAROLINE WILSON, ESQ.
650 Page Mill Road
Palo Alto, California 94304-1050
T.650.493.9300
F.650.493.6811
mrubin@wsgr.com
cwilson@wsgr.com

Also Present: JOSEPH SKORMAN, Videographer

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

11:03:15 BY MR. RUBIN:

11:03:16 Q. And that is what happened here; right?

11:03:17 A. It appears so, from the e-mail, but I'm not sure, because I just can't remember the piece of content.

11:03:25 Q. Can you imagine any piece of content that you could have provided to Real Pie Media that wouldn't have been authorized?

11:03:36 A. No.

11:03:36 MR. WILKENS: Objection to the form, calls for speculation.

11:03:38 BY MR. RUBIN:

11:03:39 Q. So is there any conclusion to draw from this e-mail, other than the fact the content was authorized to be on YouTube?

11:03:45 MR. WILKENS: Objection to the form.

11:03:45 THE WITNESS: No, I don't -- from reading this e-mail, I can't think of any reason why it wouldn't be approved content, but I can't recall this -- I cannot recall what happened on this e-mail. I can only read the e-mail.

11:04:00 BY MR. RUBIN:

11:04:06 Q. Do you doubt the authenticity or the accuracy of your words in Exhibit 1?

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

11:04:12 A. No, I don't.

11:04:13 Q. Do you have any reason to question what

11:04:15 you wrote in Exhibit 1?

11:04:16 A. I don't.

11:04:17 Q. Do you have any reason to question what

11:04:19 Amy Powell wrote in Exhibit 1?

11:04:20 A. I don't.

11:04:22 Q. Do you have any reason to question what

11:04:24 Zach Braff wrote in Exhibit 1?

11:04:26 A. No, except for that Zach Braff had a

11:04:29 history of uploading content himself that was not

11:04:32 always approved.

11:04:33 Q. So if Zach Braff uploaded content to

11:04:37 YouTube --

11:04:38 A. Uh-huh.

11:04:38 Q. -- it was not authorized content?

11:04:40 A. I'd have to -- to definitively say yes or

11:04:43 no, I'd have to know the circumstance, but there was

11:04:46 an occasion that I can recall, I just can't remember

11:04:49 exactly what it was, but he did upload content, as

11:04:52 he had access to the film that had not gone through

11:04:54 the normal approval process.

11:04:56 Q. What would you need to know --

11:04:57 A. Uh-huh.

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

11:04:58 Q. -- about the video clip that Zach Braff
11:05:00 uploaded --
11:05:01 A. Uh-huh.
11:05:02 Q. -- to determine whether or not it was
11:05:04 approved content?
11:05:05 A. In what I just described or in this
11:05:06 e-mail?
11:05:07 Q. What you just described.
11:05:09 A. Music licensing rate, whether the talent
11:05:11 had agreed that they could be featured in a clip for
11:05:15 promotional uses, and whether it had just internal
11:05:18 sign-off from higher executives. Or -- there's an
11:05:22 array of approval processes that usually take place.
11:05:26 Q. An array of internal Paramount approval
11:05:29 processes that take place?
11:05:31 A. Internal and external, yes.
11:05:33 Q. But to a third party --
11:05:34 A. Uh-huh.
11:05:34 Q. -- how would a third party distinguish
11:05:37 between a clip that you, Megan Wahtera, or --
11:05:42 A. Uh-huh.
11:05:43 Q. -- another Paramount individual authorized
11:05:45 for upload and one that Zach Braff selected for the
11:05:49 film and uploaded.

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

11:05:51 MR. WILKENS: Objection to the form.

11:05:52 THE WITNESS: What third party?

11:05:53 BY MR. RUBIN:

11:05:54 Q. YouTube, for example.

11:05:55 MR. WILKENS: Objection to the form, calls

11:05:56 for speculation.

11:05:57 THE WITNESS: I don't know YouTube -- I

11:05:58 don't know their practices and how they

11:06:00 differentiate between what's approved and what's

11:06:03 not.

11:06:04 BY MR. RUBIN:

11:06:04 Q. I'm asking, though, if YouTube doesn't

11:06:06 have access to the internal policies that Paramount

11:06:09 has to distinguish between an -- one approved clip

11:06:11 from another --

11:06:13 A. Uh-huh.

11:06:13 Q. -- how would YouTube be in a position to

11:06:15 even make the decision?

11:06:16 MR. WILKENS: Objection to the form, calls

11:06:17 for speculation.

11:06:19 THE WITNESS: Again, it's just my opinion,

11:06:20 but we were in contact with YouTube pretty

11:06:24 regularly. We had a long-standing relationship with

11:06:27 them, so I would just call and ask about it.

MEGAN WAHTERA SAN FRANCISCO, CA DECEMBER 4, 2009

13:27:02 A. I'm just giving you my opinion. I don't
13:27:04 know how YouTube figures out what is and isn't
13:27:07 authorized.
13:27:08 Q. Do you think it's YouTube's job to figure
13:27:10 out what is and isn't authorized?
13:27:12 A. I don't know. It's not my place to say.
13:27:15 Q. What is your opinion?
13:27:17 MR. WILKENS: Objection to the form.
13:27:17 THE WITNESS: I don't have an opinion.
13:27:18 BY MR. RUBIN:
13:27:18 Q. You don't have an opinion?
13:27:19 A. I really don't. I would prefer not to
13:27:21 have an opinion. I don't -- I -- I do not work at
13:27:23 YouTube. I do not police content. It's not in my
13:27:26 responsibility.
13:27:27 Q. This isn't -- this -- I don't mean to be
13:27:29 argumentative --
13:27:29 A. I understand.
13:27:30 Q. -- and I'm not trying to be, but today is
13:27:32 not about whether you choose to have an opinion or
13:27:35 not. I'm asking what your opinion is.
13:27:38 A. I don't have one.
13:27:39 Q. Do you believe it's YouTube's ob- --
13:27:41 YouTube's obligation to police the content on that

13:27:45 service?
13:27:45 MR. WILKENS: Objection to the form of the
13:27:45 question.
13:27:45 THE WITNESS: I do not have an opinion. I
13:27:47 do not know if it is their responsibility. I have
13:27:47 no idea.
13:27:48 BY MR. RUBIN:
13:27:48 Q. Do you think they should?
13:27:49 A. I have no idea, don't have an opinion.
13:27:53 Q. Do you think Paramount should police the
13:27:55 content on the YouTube service?
13:27:57 MR. WILKENS: Objection to the form.
13:27:58 THE WITNESS: I don't know. It's not my
13:28:00 job to say so.
13:28:01 BY MR. RUBIN:
13:28:01 Q. And you have no opinion on it?
13:28:02 A. I do not have an opinion.
13:28:12 Q. From where did you upload this video?
13:28:15 A. I uploaded this video off site, so off
13:28:19 lot, Paramount, to -- from an IP address. I believe
13:28:23 it was like a FedEx, or a Kinko's, or one of those
13:28:24 types of places.
13:28:25 Q. Why would you have done that?
13:28:27 A. For the same reason I just referenced with

13:28:29 registering an e-mail account. Often, I have heard,
13:28:32 or -- I can't prove that -- but that there's ways to
13:28:35 tell different IP addresses in uploading a clip,
13:28:38 where it's coming from.
13:28:40 Q. Is there any evidence in your possession
13:28:41 that you can think of -- any documents, any e-mails,
13:28:44 anything that would support your belief -- your
13:28:47 statement that you believe that third parties can
13:28:49 discern the e-mail address or the IP address from
13:28:52 which a video is uploaded --
13:28:54 A. I don't know.
13:28:55 Q. -- by simply viewing the video?
13:28:57 A. I don't know.
13:28:58 Q. You don't know.
13:28:59 A. I don't know if I've ever gotten e-mail on
13:29:03 that.
13:29:04 Q. You don't know whether you've ever
13:29:06 discussed it with anyone else?
13:29:08 A. I don't know.
13:29:09 Q. It's a rumor you heard?
13:29:15 A. I work in an interac- -- interactive
13:29:17 marketing, so I know like my tech team can tell me
13:29:20 what IP address is -- stuff is being uploaded from
13:29:23 all the time. So it's just something -- a practice

Schapiro Exhibit 48

Subject: Re: Geek Giftst
From: "Powell, Amy - Paramount" [redacted]
To: Wahtera, Megan - Paramount; Teifeld, Tamar - Paramount
Cc: Date: Wed, 03 Oct 2007 16:24:16 +0000

Is there any place else to place it behind on a different site?

----- Original Message -----
From: Wahtera, Megan - Paramount
To: Powell, Amy - Paramount; Teifeld, Tamar - Paramount
Sent: Wed Oct 03 09:23:13 2007
Subject: RE: Geek Giftst

Hi Amy,

As discussed, I don't see how we can put it behind an age gate.
That is something youtube does when content is flagged as inappropriate.

TT - let's call Youtube to see how this can be done for us.

I am also calling Michael Jones to pull the clip.

Thanks,
Megan

-----Original Message-----
From: Powell, Amy - Paramount
Sent: Wednesday, October 03, 2007 8:55 AM
To: Wahtera, Megan - Paramount; Teifeld, Tamar - Paramount
Subject: Re: Geek Giftst

Can we put behind age gate on youtube?

----- Original Message -----
From: Wahtera, Megan - Paramount
To: Powell, Amy - Paramount; Teifeld, Tamar - Paramount
Sent: Wed Oct 03 08:46:33 2007
Subject: RE: Geek Giftst

Sure thing! I can head to kinkos as soon as we have the clip and it is encoded.

-----Original Message-----
From: Powell, Amy - Paramount
Sent: Wednesday, October 03, 2007 8:45 AM
To: Wahtera, Megan - Paramount; Teifeld, Tamar - Paramount
Subject: Re: Geek Giftst

I'm actually thinking we should do it before friday

----- Original Message -----
From: Wahtera, Megan - Paramount
To: Powell, Amy - Paramount; Teifeld, Tamar - Paramount
Sent: Wed Oct 03 08:43:20 2007
Subject: RE: Geek Giftst

Sure, sounds great. We should call youtube right away though to ensure that they can manually slot the sex video

into "related videos" for us asap.

The related vids pull up through some sort of system within youtube and often take a while to index as "related" J

Hopefully that makes sense…

From: Powell, Amy - Paramount
Sent: Tuesday, October 02, 2007 8:53 PM
To: Teifeld, Tamar - Paramount
Cc: Wahtera, Megan - Paramount
Subject: RE: Geek Giftst

that was EXACTLY what i was thinking! i think we use our spot as a tease into the r-rated clip...

MW: what do you think?

From: Teifeld, Tamar - Paramount
Sent: Tue 10/2/2007 8:52 PM
To: Powell, Amy - Paramount
Subject: RE: Geek Gifts

We may have to go with you tube. The only other sites I know with age gate are AOL and IGN. Could we somehow tie it into our HP promo on you tube – like when you watch P's intro and then the regular clip, and on the right hand side where it shows "related videos" we could have the sex scene vid?

From: Powell, Amy - Paramount
Sent: Tuesday, October 02, 2007 8:48 PM
To: Teifeld, Tamar - Paramount
Subject: RE: Geek Gifts

i think we're all desperate too!

where should we post behind age-gate?

From: Teifeld, Tamar - Paramount
Sent: Tue 10/2/2007 8:47 PM
To: Powell, Amy - Paramount
Subject: RE: Geek Gifts

Nice! Peter is very convincing…..haha.

From: Powell, Amy - Paramount
Sent: Tuesday, October 02, 2007 8:46 PM
To: Teifeld, Tamar - Paramount
Subject: RE: Geek Gifts

p.s. stacey is going to give in on the sex scene i think...

From: Teifeld, Tamar - Paramount
Sent: Tue 10/2/2007 8:45 PM
To: Powell, Amy - Paramount
Subject: RE: Geek Gifts

Got it – I'll think of something.

From: Powell, Amy - Paramount
Sent: Tuesday, October 02, 2007 8:44 PM
To: Teifeld, Tamar - Paramount
Subject: RE: Geek Gifts

i don't think we can give them a first screening and since SS has had stalker issues before i feel like it's better if it's a tangible item...

From: Teifeld, Tamar - Paramount
Sent: Tue 10/2/2007 8:31 PM
To: Powell, Amy - Paramount
Subject: FW: Geek Gifts

Think we could do a special "first" screening for them at Amblin? Or should we stay away from anything having to do with first looks at the film?

-----Original Message-----
From: Worsnup, Mickey - Paramount
Sent: Tuesday, October 02, 2007 7:21 PM
To: Teifeld, Tamar - Paramount
Subject: RE: Geek Gifts

promise them access to the first available screening, like not after Harry...although that would piss off my guy...

-----Original Message-----
From: Teifeld, Tamar - Paramount
Sent: Tue 10/2/2007 7:18 PM
To: Worsnup, Mickey - Paramount
Subject: RE: Geek Gifts

Big love. I wanted to get them on the set of Indy, but Amy said that prob wouldn't happen.

-----Original Message-----
From: Worsnup, Mickey - Paramount
Sent: Tuesday, October 02, 2007 7:18 PM
To: Teifeld, Tamar - Paramount
Subject: RE: Geek Gifts

what is the level of love you would like to bestow?

-----Original Message-----
From: Teifeld, Tamar - Paramount
Sent: Tue 10/2/2007 7:17 PM

To: Worsnup, Mickey - Paramount
Subject: Geek Gifts

We want to get something really great for Robert at IESB and the other webmaster for helping us in our Indy sting operation. Any clue as to what would be cool?

Schapiro Exhibit 49

From: "Wahtera, Megan - Paramount" <Megan_Wahtera@Paramount.com>
Date: Thu, 4 Oct 2007 08:43:17 -0700
To: "Teifeld, Tamar - Paramount" <Tamar_Teifeld@Paramount.com>, "
Powell, Amy - Paramount" [redacted]
Subject: RE: HBK - Farrelly Clips - For Youtube

Hi Amy & Tamar,

I have to send youtube our video link by noon today.

That said, I am personally thinking it's fine to upload it from here via the paraccount (or I can make one up so its less obvious) given there is nothing under the radar about this clip.

The clip is one from the EPK, and will be featured on the homepage of youtube tomorrow with our corresponding ad unit and Farrelly intro. The clip has already been up on Yahoo! sans intro.

Let me know your thoughts, otherwise I have to head to Kinko's asap!

Thanks!
Megan

-----Original Message-----
From: Teifeld, Tamar - Paramount
Sent: Wednesday, October 03, 2007 4:50 PM
To: Wahtera, Megan - Paramount; Powell, Amy - Paramount
Cc: Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

True - it will be from us anyway and if it is from our account, it will just live with the rest of our trailers. Amy - what do you think?

-----Original Message-----
From: Wahtera, Megan - Paramount
Sent: Wednesday, October 03, 2007 4:48 PM
To: Teifeld, Tamar - Paramount; Powell, Amy - Paramount
Cc: Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

FYI - this goes with an ad unit on youtube on Friday - so to me, its apparent it's us.

Similar to what you see with Lions for Lambs today.

http://youtube.com/

-----Original Message-----
From: Teifeld, Tamar - Paramount
Sent: Wednesday, October 03, 2007 4:47 PM
To: Powell, Amy - Paramount; Wahtera, Megan - Paramount
Cc: Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

Should I have Scott H upload?

-----Original Message-----
From: Powell, Amy - Paramount
Sent: Wednesday, October 03, 2007 4:46 PM
To: Wahtera, Megan - Paramount

Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Subject: Re: HBK - Farrelly Clips

I think it should be from off lot.....

What do you guys think about the tags?

----- Original Message -----
From: Wahtera, Megan - Paramount
To: Wahtera, Megan - Paramount; Powell, Amy - Paramount
Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Sent: Wed Oct 03 16:37:51 2007
Subject: RE: HBK - Farrelly Clips

It's OK to upload this one here from Parracount, correct?

Here are my tags:

The Heartbreak Kid Movie Ben Stiller Carlos Mencia Farrelly Brothers Comedy Funny Clip

---

From: Wahtera, Megan - Paramount
Sent: Wednesday, October 03, 2007 4:08 PM
To: Powell, Amy - Paramount
Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

On it now!

From: Powell, Amy - Paramount
Sent: Wednesday, October 03, 2007 4:04 PM
To: Wahtera, Megan - Paramount
Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

I say we do it now... gain some traction?

We should be very careful about what tags we use.

And, I'm assuming scott can help us dramatically....

Amy Powell

Senior Vice President

Interactive Marketing

Paramount Pictures

[redacted]

From: Wahtera, Megan - Paramount

Sent: Wednesday, October 03, 2007 4:02 PM
To: Powell, Amy - Paramount
Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

We will get myspace one up asap!

Youtube is for our Friday buy – but I can upload now so it's live in advance if you if prefer?

Let me know!

From: Powell, Amy - Paramount
Sent: Wednesday, October 03, 2007 3:59 PM
To: Wahtera, Megan - Paramount
Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Subject: RE: HBK - Farrelly Clips

Approved. When can we get live?

Amy Powell

Senior Vice President

Interactive Marketing

Paramount Pictures

[redacted]

From: Wahtera, Megan - Paramount
Sent: Wednesday, October 03, 2007 3:13 PM
To: Powell, Amy - Paramount
Cc: Teifeld, Tamar - Paramount; Worsnup, Mickey - Paramount
Subject: HBK - Farrelly Clips

Hi Amy,

At long last, here are the clips.

These are web friendly versions for filmmakers to review.

http://downloads.paramount.com/mp/heartbreak_kid/myspace_final.mov

http://downloads.paramount.com/mp/heartbreak_kid/youtube_final.mov

These are not the versions I am uploading to YouTube or MySpace.

I have higher quality ones that would take too long for approvers to load which we will use for the actual sites.

Let us know when we can do so – YouTube needs by 12pm tomorrow and MySpace needs asap.

BIG thanks to Mickey for helping us out on this one!!

Thanks!

Megan Wahtera
Executive Director
Interactive Marketing
Paramount Pictures
P: 323.956.8516 | F: 323.862.1101

Schapiro Exhibit 50

Subject: Re: Casting.
From: Kadetsky, Deborah <EX:/O=VIACOM/OU=MTVUSA/CN=RECIPIENTS/CN=USER ACCOUNTS/CN=USER/CN=KADETSKD>
To: Perta, Micah
Cc: Date: Fri, 30 Jun 2006 17:04:29 +0000

You can leave it on my chair - I'm in a mtg. Have a fun wknd!!!

-----Original Message-----
From: Perta, Micah
To: Kadetsky, Deborah; Kelly, Kristen; Maxwell, Tony
Sent: Fri Jun 30 12:44:18 2006
Subject: Re: Casting.

I will have a CD to you with the qt compressed as sorensen 3 in 5 minutes!

On 6/30/06 12:43 PM, "Kadetsky, Deborah" <Deborah.Kadetsky@vh1staff.com> wrote:

> Just watched it micah, it's great!
>
> http://www.micahperta.com/vh1/flav.mov
>
> Just gotta work on getting the file converted to something uploadable to
> our friends at youtube.
>
>
> -----Original Message-----
> From: Perta, Micah
> Sent: Friday, June 30, 2006 12:41 PM
> To: Kelly, Kristen; Kadetsky, Deborah; Maxwell, Tony
> Subject: Casting.
>
> Hey Kristen,
>
> So here is the link to the casting tape cut down. Deliberately made to
> look like it was cut together by a 16 year old, so don't hold me too
> accountable for quality (although the heart transition truly deserves an
> emmy). Nigel and Tony love it, and if you all are OK with it, let Deb
> and us know so that we can start seeding it to utube etc...
>
> Thanks!
>
> Micah
>

Schapiro Exhibit 51

From: "Hallie, Michelena" <Michelena.Hallie@mtvn.com>
Date: Thu, 19 Apr 2007 16:05:18 -0400
To: "Courtney Nieman" <courtneyni@baytsp.com>
Cc: "Solow, Warren" <Warren.Solow@viacom.com>, "Morales, Cindy" <Cindy.Morales@mtvstaff.com>, "Eric Antze" <erica@baytsp.com>
Subject: RE: MTVN Project 2 - Viral Advertising

They should stay up

-----Original Message-----
From: Courtney Nieman [mailto:courtneyni@baytsp.com]
Sent: Thursday, April 19, 2007 2:19 PM
To: Hallie, Michelena
Cc: Solow, Warren; Morales, Cindy; Courtney Nieman; Eric Antze
Subject: MTVN Project 2 - Viral Advertising

Michelena,

I would like to confirm something. Does MTVN want us to take down advertising; clips that are commercials or adverts for programming on MTVN?

Courtney Nieman
Manager Client Services
BayTSP, Inc.
408-341-2314
AIM: BayTSPCanne
Have you checked out BayTSP's Piracy news web log?
http://www.baytsp.com/weblog

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone (408-341-2300) or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

Schapiro Exhibit 52

Subject: Re: Fw: Flags of our Fathers
From: "Teifeld, Tamar" <EX:/O=VIACOM/OU=PARAMOUNT/CN=RECIPIENTS/CN=TEIFELTA>
To: Powell, Amy - Paramount
Cc: Worsnup, Mickey
Date: Mon, 16 Oct 2006 17:11:12 +0000

Yes. These clips are from the EPK.

----- Replied by Tamar Teifeld on 10/16/2006 10:09:43 AM

From:Amy Powell

10/15/2006 08:32 AM
To: tamar_teifeld@paramount.com, mickey_worsnup@paramount.com
cc:
Subject: Fw: Flags of our Fathers

is this one of our approved clips?

http://www.youtube.com/watch?v=TkswonjOmVQ

Schapiro Exhibit 53

To: chad@youtube.com <chad@youtube.com>; steve@youtube.com <steve@youtube.com>; julie@youtube.com <julie@youtube.com>; kevin@youtube.com <kevin@youtube.com>; maryrose@youtube.com <maryrose@youtube.com>; heather@youtube.com <heather@youtube.com>
From: julie@youtube.com <julie@youtube.com>
Cc:
Bcc:
Received Date: 2006-03-09 06:12:01 CST
Subject: Do you YouTube? and Fox Show

Did you guys see this one? This is exactly why we don't really know who is uploading the content...I haven't seen this video

Fox Steals From Itself
ContactMusic - Mar 08 10:44 AM
FOX STEALS FROM ITSELF

While other networks have been firing off legal notices to the video website YouTube.com demanding that they remove content from their programming, Fox on Friday uploaded a live version of the opening title sequence of The Simpsons to the site, in which human characters mimic the actions of the animated ones. The Los Angeles Times blog "Channel Island" reported that the clip was produced by the U.K. ad agency Devilfish and was designed to promote the upcoming 17th season of the series on Sky One, Fox's corporate sibling in Britain. The clip was quickly picked up by other websites, becoming what a studio spokeswoman described as "a viral campaign," adding, "It's amazing how quickly it went around the world."

08/03/2006

****

Our story in the Sacramento Bee is set to be in next Sunday's paper in Sacramento. They are calling all users to chime in...kinda cool!

http://www.sacbee.com/content/lifestyle/story/14226604p-15050594c.html
Call to Readers: Do you youtube?

Published 2:15 am PST Tuesday, March 7, 2006
Story appeared in Scene section, Page E3
We're looking for people who frequent youtube.com, the amateur video-sharing Web site that some say is the hottest way to waste time since MySpace.
If you upload videos to the site or just like to watch them, we'd like to hear from you. Please e-mail smcmanis@sacbee.com, and include a daytime phone number. Your comments may be used in an upcoming story.

Schapiro Exhibit 54

From: Michelena.hallie@mtvn.com
Sent: Tuesday, October 31, 2006 5:15 PM
To: Deana Arizala
Cc: Morales, Cindy; Mark M. Ishikawa; Evelyn Espinosa; Courtney Nieman
Subject: Re: Fwd: Viral Internet Marketing Clips

Got it. We should be able to authorize you to search a list soon

-----Original Message-----
From: Deana Arizala <deanaa@baytsp.com>
To: Hallie, Michelena
CC: Morales, Cindy; Mark M. Ishikawa <marki@baytsp.com>; Evelyn Espinosa <evelyn@baytsp.com>; Courtney Nieman <courtneyni@baytsp.com>
Sent: Tue Oct 31 12:11:05 2006
Subject: Fwd: Viral Internet Marketing Clips

Michelena,

I'm not sure if you received the email below, so just in case I am going to forward it.

Best Regards,

Deana Arizala

Deana Arizala
Client Services Manager. BayTSP, Inc
408.341.2365 (direct)
408.341.2300 (voice)
408.341.2399 (fax)

From: Deana Arizala
Sent: Monday, October 30, 2006 10:09 AM
To: Michelena.hallie@mtvn.com
Cc: Morales, Cindy; Mark M. Ishikawa; Evelyn Espinosa; Courtney Nieman
Subject: RE: Viral Internet Marketing Clips

Michelena,

Below is a list of VH1 shows I'm gathered from the links below. I do not have these shows in my list. Please let me know if these titles should be added in Cims.

VH1

The Wendy Williams Experience

Totally Awesome

Flavor of Love

Hogan Knows Best

Freestyle 59

Thanks Michelena.

Best Regards,

Deana Arizala

Deana Arizala

Client Services Manager. BayTSP, Inc

408.341.2365 (direct)

408.341.2300 (voice)

408.341.2399 (fax)

-----Original Message-----
From: Michelena.hallie@mtvn.com
Sent: Friday, October 27, 2006 3:23 PM
To: Deana Arizala
Cc: Morales, Cindy
Subject: FW: Viral Internet Marketing Clips

Is this sufficient information? If so, you can now take down VH1 clips

2 1/2 minutes or over, other than those noted below.

-----Original Message-----

From: Kadetsky, Deborah

Sent: Friday, October 27, 2006 6:07 PM

To: Cheeks, George; Maxwell, Tony

Cc: Wilson, Adam; Hallie, Michelena; Imm, Tina

Subject: RE: Viral Internet Marketing Clips

George, are you able to do your sweep of clips according to who's posted

them?

If that is the case, the clips that we've authorized to be posted are

under the usernames "vh1staff" and "reaction2006"

If you need specific links, here is a list of what we've posted as

approved clips to date:

http://www.youtube.com/watch?v=qVVGT7Rfrvk

http://www.youtube.com/watch?v=jFoQNdwaGys

http://www.youtube.com/watch?v=_5vjI.2stAz0

http://www.youtube.com/watch?v=M-G_NQZb1lI

http://www.youtube.com/watch?v=qvUzUOSbs9Y

http://www.youtube.com/watch?v=xPfTPn-eGKk

http://www.youtube.com/watch?v=3saVMo96328

http://www.youtube.com/watch?v=PjiZqOOAipw

http://www.youtube.com/watch?v=x1ycbHjePjM

http://www.youtube.com/watch?v=hFoCygnKOaA

http://www.youtube.com/watch?v=4CtHP6Ut-zM

http://www.youtube.com/watch?v=Dy9lYAELqlE

http://www.youtube.com/watch?v=kihSHIoW-Tg

http://www.youtube.com/watch?v=yZ1SEDh_JPc

http://www.youtube.com/watch?v=ia_pl6rVg_k

http://www.youtube.com/watch?v=zlbL-zhMK8k

http://www.youtube.com/watch?v=ynJmXSht2jI

http://www.youtube.com/watch?v=uXnx5QxpIRc

http://www.youtube.com/watch?v=zgl3l1lBKpwjQ

http://www.youtube.com/watch?v=pAkp_Hr5rN4

http://www.youtube.com/watch?v=BRbM2qfD08U

http://www.youtube.com/watch?v=QQxyhtYk3CI

Do you have a sense of how frequently we'll be doing this takedown sweep? I want to make sure than any future postings through our current process don't get removed accidentally.

Thanks,

deb

-----Original Message-----

From: Cheeks, George

Sent: Friday, October 27, 2006 1:33 PM

To: Kadetsky, Deborah; Maxwell, Tony

Cc: Wilson, Adam

Subject: Re: Viral Internet Marketing Clips

If you could send a copy directly to Michelina Hallie and copy me that would be great!

-----Original Message-----

From: Kadetsky, Deborah

To: Cheeks, George; Maxwell, Tony

CC: Wilson, Adam

Sent: Fri Oct 27 09:48:26 2006

Subject: RE: Viral Internet Marketing Clips

Hi George,

Did you get my list via Tina Imm? I can send to you directly if not...

Deb

-----Original Message-----

From: Cheeks, George

Sent: Friday, October 27, 2006 8:47 AM

To: Maxwell, Tony

Cc: Wilson, Adam; Kadetsky, Deborah

Subject: Re: Viral Internet Marketing Clips

We need everything that you have seeded thusfar as we are engaging an outside service to send take down notices for full episodes and clips in excess of 2 minutes and 30 seconds and we don't want to have notices sent for content we seeded. That said, if that is too big a task I would at least hit the stuff that we seeded over the past several months.

Thanks.

-----Original Message-----

From: Maxwell, Tony

To: Cheeks, George

CC: Wilson, Adam; Kadetsky, Deborah

Sent: Wed Oct 25 11:10:26 2006

Subject: Viral Internet Marketing Clips

Hello George,

Nigel asked me to follow up with you about your request for a list of viral clips we are currently supplying to websites like youtube.com. Are you looking for a monthly figure or total amount since a certain date.

Please inform.

Many thanks,

Tony

--

Tony Maxwell

VP Vh1 On Air Promotions

212-846-7867

tony.maxwell@vh1staff.com

Schapiro Exhibit 55

From: Michelena.hallie@mtvn.com
Sent: Saturday, November 04, 2006 11:59 AM
To: Mark M. Ishikawa; Evelyn Espinosa; Deana Arizala
Subject: Fw: Video Takedown

Just want to make sure this directive got to you: google as well as youtube takedowns should only be full episodes. Myspace and yahoo are ok to take down as originally directed.

-----Original Message-----
From: Cahan, Adam
To: Hallie, Michelena
Sent: Sat Nov 04 02:55:11 2006
Subject: Fw: Video Takedown

We should still be taking down as much as possible at myspace. It's only google/youtube that has the full episode rule.

-----Original Message-----
From: Deana Arizala <deanaa@baytsp.com>
To: Hallie, Michelena
CC: Courtney Nieman <courtneyni@baytsp.com>; Evelyn Espinosa <evelyn@baytsp.com>; Mark M. Ishikawa <marki@baytsp.com>; Cahan, Adam
Sent: Fri Nov 03 21:16:07 2006
Subject: Video Takedown

Michelena,

Below are the Notice Sent counts for today, November 3, 2006. Have a good weekend.

Best Regards,

Deana Arizala

Summary:

YouTube: Full Episodes: 149

Myspace: Full Episodes: 23

Yahoo Video: Full Episodes: 0

Google Video: Full Episodes: 115

P2P: Gnutella: 0, eDonkey: 44 (not sent—just for view)

YouTube

Full Episodes

Country Music Television

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

21

The Colbert Report

5

The Daily Show

1

SpikeTV

Carpocalypes

0

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

0

Viacom

Andy Milonakis

0

Avatar the Last Airbender

96

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

0

Degrassi

6

Diego

0

Dora The Explorer

0

Drake & Josh

15

Fairly Odd Parents

5

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

0

Naked Brothers Band

0

Noah's Arc

3

Real World

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

0

Spongebob Squarepants

3

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

149

Google Video

Full Episodes

Country Music Television

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

0

The Colbert Report

0

The Daily Show

4

SpikeTV

Carpocalypes

0

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

2

Viacom

Andy Milonakis

0

Avatar the Last Airbender

67

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

0

Degrassi

0

Diego

0

Dora The Explorer

0

Drake & Josh

0

Fairly Odd Parents

1

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

11

Naked Brothers Band

0

Noah's Arc

0

Real World

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

10

Spongebob Squarepants

20

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

115

Yahoo Video

Clips

Full Episodes

Country Music Television

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

0

The Colbert Report

0

The Daily Show

0

SpikeTV

Carpocalypes

0

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

0

Viacom

Andy Milonakis

0

Avatar the Last Airbender

0

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

0

Degrassi

0

Diego

0

Dora The Explorer

0

Drake & Josh

0

Fairly Odd Parents

0

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

0

Naked Brothers Band

0

Noah's Arc

0

Real World

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

0

Spongebob Squarepants

0

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

0

MySpace

Full Episodes

Country Music Television

6/11/2008

Count

CMT Music Awards

0

Country Fired Home Videos

0

Crossroads

0

Foxwothy's Big Night Out

0

Trick My Truck

0

Comedy Central

South Park

0

The Colbert Report

0

The Daily Show

0

SpikeTV

6/11/2008

Carpocalypes

0

King of Vegas

0

Most Xtreme Challenge

0

Pros Vs Joes

0

Total Nonstop Action

0

Ultimate Fighting Championship

0

Viacom

Andy Milonakis

0

Avatar the Last Airbender

0

Backyardigans

0

Beyond the Break

0

Blue's Room

0

Can't Get A Date

0

Degrassi

0

Diego

0

Dora The Explorer

0

Drake & Josh

0

Fairly Odd Parents

2

GLAAD Media Awards

0

Greatest TV Quotes and Catch Phrases

0

Hi-Jinks

0

I Pity the Fool

0

Jack's Big Music Show

0

Laguna Beach

0

Naked Brothers Band

0

Noah's Arc

0

Real World

0

Sit Down Comedy with David Steinberg

0

South of Nowhere

10

Spongebob Squarepants

11

TV Land Myths and Legends

0

TV Land Present the 100

0

VMA Awards

0

Wonder Pets

0

Zoey 101

0

Total

23

P2P (Not sent)

Country Music Television

Gnutella

eDonkey

CMT Music Awards

0

0

Country Fired Home Videos

0

0

Crossroads

0

0

6/11/2008

Foxwothy's Big Night Out

0

0

Trick My Truck

0

0

Comedy Central

South Park

0

0

The Colbert Report

0

0

The Daily Show

0

0

SpikeTV

Carpocalypes

0

0

King of Vegas

0

0

Most Xtreme Challenge

0

0

Pros Vs Joes

0

0

Total Nonstop Action

0

0

Ultimate Fighting Championship

0

0

Viacom

Andy Milonakis

0

0

Avatar the Last Airbender

0

0

Backyardigans

0

2

Beyond the Break

0

0

Blue's Room

0

0

Can't Get A Date

0

0

Degrassi

0

0

Diego

0

0

Dora The Explorer

0

0

Drake & Josh

0

0

Fairly Odd Parents

0

0

GLAAD Media Awards

0

0

Greatest TV Quotes and Catch Phrases

0

0

Hi-Jinks

0

0

I Pity the Fool

0

0

Jack's Big Music Show

0

0

Laguna Beach

0

0

Naked Brothers Band

0

0

Noah's Arc

0

0

Real World

0

0

Sit Down Comedy with David Steinberg

0

0

South of Nowhere

0

0

Spongebob Squarepants

0

0

Hogan Knows Best

0

41

Breaking Bonaduce

0

1

VMA Awards

0

0

Wonder Pets

0

0

Zoey 101

0

0

Total

0

44

Deana Arizala
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Schapiro Exhibit 56

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL, INC., COMEDY PARTNERS, COUNTRY MUSIC TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs. No. 07-CV-2103

YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,

Defendants.

----------X

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al., on behalf of themselves and all others similarly situated,

Plaintiffs,

vs. No. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC.,

Defendants.

----------X

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF ADAM CAHAN

PALO ALTO, CALIFORNIA

WEDNESDAY, DECEMBER 9, 2009

JOB NO. 18174

ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009

9:47 A.M.

HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF ADAM CAHAN, at WILSON SONSINI GOODRICH & ROSATI, 601 S. California Street, Palo Alto, California, pursuant to notice, before me, KATHERINE E. LAUSTER, CLR, CRR, RPR, CSR License No. 1894.

ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009

A P P E A R A N C E S:

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Also Present: ARMANDO CARRASCO, Videographer

ADAM CAHAN SAN FRANCISCO, CA DECEMBER 9, 2009

15:02:33 has the full episode. I'm asking for her -- if
15:02:35 that's what we're currently doing.
15:02:37 BY MR. KRAMER:
15:02:38 Q. Where is the question in that, sir, in
15:02:40 what you wrote?
15:02:41 A. It's lacking a question mark. I'm looking
15:02:43 for confirmation that that's what we're currently
15:02:47 doing.
15:02:47 Q. So you read "we should still be taking
15:02:50 down as much as possible -- as possible at MySpace"
15:02:52 as an inquiry?
15:02:54 A. No, I -- so I am writing to confirm, is
15:02:56 this your understanding of what we're doing; right?
15:02:58 We should still be taking down as much as
15:03:04 possible at MySpace. It's only the Google/YouTube
15:03:08 that has the full episode --
15:03:09 THE REPORTER: Please slow down.
15:03:09 THE WITNESS: Sorry.
15:03:09 It's only the Google/YouTube that has the
15:03:09 full episode rule, and what I am seeking is
15:03:12 confirmation.
15:03:12 BY MR. KRAMER:
15:03:13 Q. So at this time, in early Nov- -- where
15:03:15 was the seeking of the confirmation?

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15:03:27 A. It's me saying that we should still be
15:03:32 taking down as much as MySpace. I don't perceive
15:03:36 this as -- so what I -- what I view this, in my
15:03:39 communication with Michelena, is I did not tell her
15:03:43 what should or should not be removed.
15:03:45 I believe at this point I'm asking her
15:03:49 that we should not be doing that because of what was
15:03:53 going on.
15:03:55 Q. So Miss Hallie characterizes it as a
15:03:58 directive.
15:03:59 A. Okay.
15:04:00 Q. She interpreted it as a directive; right?
15:04:03 Isn't that how you read that?
15:04:05 MR. CARDON: Objection --
15:04:06 MS. KOHLMANN: Objection.
15:04:06 MR. CARDON: -- misstates the testimony --
15:04:08 argument.
15:04:12 THE WITNESS: Yeah, I don't know how -- I
15:04:14 don't know how she's interpreting this. What --
15:04:16 again, I think what I'm -- at this point in the
15:04:21 negotiation I was asking that they not remove
15:04:22 additional content. That is correct.
15:04:24 BY MR. KRAMER:
15:04:25 Q. So it was your intent that clips of

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15:04:28 content that Viacom claimed to own on YouTube that
15:04:32 were anything other than an entire episode of a
15:04:35 television show be allowed to remain on YouTube at
15:04:39 this time; right?
15:04:40 A. At that time, yes.
15:04:41 Q. Was that because you wanted additional
15:04:43 clips to remain on the service so that Viacom could
15:04:46 use their presence as leverage in the negotiations
15:04:50 with Google?
15:04:51 A. It was because I wanted to get paid for
15:04:54 them, and my -- my feeling was that once they were
15:04:56 removed, that they would no longer be able to go
15:05:00 back.
15:05:00 Q. In contrast to the full episode rule that
15:05:02 you employed for -- that you instructed Viacom
15:05:06 employ for YouTube, your instructions with respect
15:05:09 to MySpace were to take down as much as possible;
15:05:12 right?
15:05:13 MR. CARDON: Objection, foundation,
15:05:14 misstates witness's testimony.
15:05:24 THE WITNESS: So --
15:05:25 BY MR. KRAMER:
15:05:25 Q. I'm just looking at your e-mail to Miss
15:05:27 Hallie --

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15:05:28 A. Right. And I'm --

15:05:28 Q. -- on November 4th.

15:05:30 A. I know. I think I'm just trying to understand the context, and it looks to me -- it says, "Below are the Notices Sent." And what it has is a list of full episode content that was removed.

15:05:41 And what I am stating to her is -- I'm trying to confirm, is this my understanding? We should still be taking down as much as possible at MySpace. It's only Google and YouTube that has this full episode -- sorry.

15:05:50 THE REPORTER: Please.

15:05:50 THE WITNESS: It's only Google and YouTube that has this full episode rule, and -- because the context of this e-mail says "full episode." And it was my opinion that at that time we should not be removing the content that was there while we were negotiating.

15:06:06 BY MR. KRAMER:

15:06:06 Q. Why the disparate approaches between taking down as much as possible at MySpace, and taking down only a full episode at YouTube?

15:06:18 MR. CARDON: Objection, speculation.

15:06:18 THE WITNESS: I was responsible for the